

N.N.A.PETITIONER

Versus

G.L.KRESPONDENT

JUDGMENT

The parties to this cause married on 28th November 2004 at the Registrar of Marriages Office at Nairobi. They thereafter lived and cohabited in D[.....] Estate in Nairobi and were blessed with one child K.K.R. . The Petitioner claims in her petition that on diverse dates between 2004 and 2006 the Respondent insulted her in front of friends and relatives and that since January 2006 he has not only denied her conjugal rights but has also abdicated his responsibility of maintaining the family. In January 2006 he deserted matrimonial home and went to Eldoret. In the circumstances she prays for divorce and the custody of their child.

Though served the Respondent did not enter appearance or file an answer to petition. The Petitioner was therefore allowed to take direction and formally prove her petition.

At the hearing the Petitioner reiterated the averments in her petition and added that from 2005 the Respondent started drinking heavily going home very late. When asked about that he threatened to stab the Petitioner. She reported the matter to Buru Buru Police Station but apparently no action was taken. She said that the Respondent has not been there for their child and since efforts at reconciliation has failed this marriage should be dissolved.

Having considered averments in the petition and the uncontroverted testimony of the Petitioner, I am satisfied that the Respondent has been cruel to the Petitioner and has deserted her. Having been separated since January 2006 I find that the parties marriage has been irretrievably broken down. Consequently I grant this petition and declare that the marriage between the Petitioner and the Respondent is hereby solved. A decree nisi shall issue forthwith to be absolute after thirty days. The Respondent having not contested this petition I make no orders as to cost.

DATED and delivered this 26th day of July 2011.

**D.K. MARAGA
JUDGE**